

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:18-cv-188-FDW**

<b>JAMES C. McNEILL,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>FNU JHONSON, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER** is before the Court on Defendant Alfred Williams' Motion to Deem Waiver of Service of Summons for Defendant Alfred Williams Timely Filed, (Doc. No. 18).

Defendant Williams explains that he was on military leave at the time the service waivers were due, the NC DPS designee responsible for obtaining signed waivers inadvertently filed a waiver for Mr. Williams in the wrong case, and that the failure to timely file the waiver was due to excusable neglect. (Doc. No. 18). For good cause shown, Defendant Williams' Motion will be granted and the service waiver will be accepted as timely filed.

The Court also notes that NC DPS has provided several Defendants' full and correct names, which the Clerk of Court shall be instructed to correct in the record. The Clerk of Court will also be instructed to terminate Defendants Horne and Herring as parties, as the Complaint did not pass initial review as to these individuals. See (Doc. No. 10).

**IT IS, THEREFORE, ORDERED** that:

1. Defendant Williams' Motion, (Doc. No. 18), is **GRANTED**.
2. The Clerk of Court is respectfully instructed to substitute the following parties:

**Susan Morrison** for "FNU Morrison"

**Cedric Graham** for “FNU Graham”

**Kariem Lane** for “FNU Lane”

**Kevin White** for “FNU White”

**Marquhne Benjamin Johnson** for “FNU Johnson”

3. The Clerk of Court is further instructed to terminate Defendants Horne and Herring as parties to this action.

Signed: October 29, 2018



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Frank D. Whitney  
Chief United States District Judge

